

# Order

Michigan Supreme Court  
Lansing, Michigan

March 24, 2006

Clifford W. Taylor,  
Chief Justice

129529 & (117)

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

PEARL LEWIS, Individually and as Personal  
Representative of the Estate of Mason Lewis,  
Deceased,

Plaintiff-Appellee,

v

SC: 129529  
COA: 252712  
Wayne CC: 01-123121-NI

ST. JOHN HOSPITAL,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the June 23, 2005 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should now be reviewed by this Court. The motion to disqualify Chief Justice Taylor and Justices Corrigan, Young, and Markman is DENIED.

WEAVER, J., dissents and states as follows:

I do not participate in the decision regarding the motion to disqualify Chief Justice Taylor and Justices Corrigan, Young, and Markman.

I am opposed to the entry of any order in this case at this time and would hold this case in abeyance until this Court publishes proposals for public comment, places the issue on a public hearing for administrative matters, resolves, and makes clear for all to know the proper procedures for handling motions for the disqualification of Supreme Court justices from participation in a case. This Court opened an administrative file on the question on May 20, 2003, but has yet to address the matter publicly. *See* ADM 2003-26.

The question regarding the participation or nonparticipation of justices frequently recurs and is a matter of public significance because even one justice's decision to participate or not participate can affect the decision and outcome in a case. *See Advocacy*

*Org for Patients & Providers v Auto Club Ins Ass'n*, 472 Mich 91, 96-101 (2005) (Weaver, J., concurring).

KELLY, J., states as follows:

I do not participate in the decision to deny the motion to disqualify. I agree with Justice Weaver in urging the Court to establish a particularized written procedure to handle motions to disqualify a Supreme Court justice from participation in a case.

CAVANAGH, J., joins the statement of KELLY, J.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 24, 2006

*Corbin R. Davis*

Clerk